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AES Ohio  
1900 Dryden Road  
Dayton, Ohio 45439

February 21, 2022

Chairman Jenifer French  
Ohio Power Siting Board  
180 East Broad Street  
Columbus, Ohio 43215

Re: **Creekside 138kV Transmission Line Project**  
Ohio Power Siting Board Case No. 22-0947-EL-BLN  
Notification of ODNR, Floodplain Agency Correspondence

Dear Chairman French,

The Dayton Power and Light Company doing business as “AES Ohio” submits this notice to inform you of the following agency correspondence to satisfy Conditions 6 and 7 related to the February 17, 2023 OPSB Approval of the above referenced project:

- On November 23, 2022, the Ohio Department of Natural Resources (“ODNR”) provided an informal consultation letter regarding the above-referenced project (Enclosure 1)
- On February 15, 2023, the City of Sidney determined that the above-referenced project did not require a floodplain development permit (Enclosure 2).

AES Ohio anticipates that construction of the Project will begin on March 1, 2023.

Please feel free to contact me if you have any questions regarding this notification letter.

Respectfully submitted,

ss:/ *Randall V. Griffin*

Randall V Griffin (Ohio Bar No. 0080499)  
Chief Regulatory Counsel  
AES Ohio  
937-479-8393 (cell)  
[Randall.griffin@aes.com](mailto:Randall.griffin@aes.com)

Enclosures: (1) Ohio Department of Natural Resources informal consultation letter; (2) City of Sidney floodplain development permit correspondence

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**Enclosure 1**  
**Ohio Department of Natural Resources Informal Consultation**  
**Letter**



# Ohio Department of Natural Resources

MIKE DeWINE, GOVERNOR

MARY MERTZ, DIRECTOR

## Office of Real Estate

*John Kessler, Chief*

2045 Morse Road – Bldg. E-2

Columbus, OH 43229

Phone: (614) 265-6621

Fax: (614) 267-4764

November 23, 2022

Lilly Holmes  
GAI Consultants  
11 Spiral Drive, Suite 8  
Florence, KY 41042

**Re:** 22-1061; Millcreek-Creekside-Eldean 138kV Transmission Line

**Project:** The proposed Project involves the construction of a new 2-mile double circuit 138kV line from the existing Millcreek Substation to loop in and out of the proposed new Creekside substation.

**Location:** The proposed project is located in Clinton Township and the City of Sidney, Shelby County, Ohio.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

**Natural Heritage Database:** A review of the Ohio Natural Heritage Database indicates there are no records of state or federally listed plants or animals within one mile of the specified project area. Records searched date from 1980.

Please note that Ohio has not been completely surveyed and we rely on receiving information from many sources. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area.

**Fish and Wildlife:** The Division of Wildlife (DOW) has the following comments.

The DOW recommends that impacts to streams, wetlands and other water resources be avoided and minimized to the fullest extent possible, and that Best Management Practices be utilized to minimize erosion and sedimentation.

The entire state of Ohio is within the range of the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species, the northern long-eared bat (*Myotis septentrionalis*), a state endangered and federally threatened species, the little brown bat (*Myotis lucifugus*), a state endangered species, and the tricolored bat (*Perimyotis subflavus*), a state endangered species.

During the spring and summer (April 1 through September 30), these species of bats predominately roost in trees behind loose, exfoliating bark, in crevices and cavities, or in the leaves. However, these species are also dependent on the forest structure surrounding roost trees. If trees are present within the project area, and trees must be cut, the DOW recommends cutting only occur from October 1 through March 31, conserving trees with loose, shaggy bark and/or crevices, holes, or cavities, as well as trees with DBH  $\geq 20$  if possible. If trees are present within the project area, and trees must be cut during the summer months, the DOW recommends a mist net survey or acoustic survey be conducted from June 1 through August 15, prior to any cutting. Mist net and acoustic surveys should be conducted in accordance with the most recent version of the “[OHIO DIVISION OF WILDLIFE GUIDANCE FOR BAT SURVEYS AND TREE CLEARING](#)”. If state listed bats are documented, DOW recommends cutting only occur from October 1 through March 31. However, limited summer tree cutting may be acceptable after consultation with the DOW (contact Eileen Wyza at [Eileen.Wyza@dnr.ohio.gov](mailto:Eileen.Wyza@dnr.ohio.gov)).

The DOW also recommends that a desktop habitat assessment is conducted, followed by a field assessment if needed, to determine if a potential hibernaculum is present within the project area. Direction on how to conduct habitat assessments can be found in the current USFWS “[RANGE-WIDE INDIANA BAT & NORTHERN LONG-EARED BAT SURVEY GUIDELINES](#).” If a habitat assessment finds that a potential hibernaculum is present within 0.25 miles of the project area, please send this information to Eileen Wyza for project recommendations. If a potential or known hibernaculum is found, the DOW recommends a 0.25-mile tree cutting and subsurface disturbance buffer around the hibernaculum entrance, however, limited summer or winter tree cutting may be acceptable after consultation with the DOW. If no tree cutting or subsurface impacts to a hibernaculum are proposed, this project is not likely to impact these species.

The project is within the range of the rayed bean (*Villosa fabalis*), a state endangered and federally endangered mussel. Due to the location, and that there is no in-water work proposed in a perennial stream of sufficient size, this project is not likely to impact this species.

The DOW recommends no in-water work in perennial streams from March 15 through June 30 to reduce impacts to indigenous aquatic species and their habitat. If no in-water work is proposed in a perennial stream, this project is not likely to impact aquatic species.

The project is within the range of the northern harrier (*Circus hudsonis*), a state endangered bird. This is a common migrant and winter species. Nesters are much rarer, although they occasionally breed in large marshes and grasslands. Harriers often nest in loose colonies. The female builds a nest out of sticks on the ground, often on top of a mound. Harriers hunt over grasslands. If this type of habitat will be impacted, construction should be avoided in this habitat during the species’ nesting period of April 15 through July 31. If this habitat will not be impacted, this project is not likely to impact this species.

Due to the potential of impacts to federally listed species, as well as to state listed species, we recommend that this project be coordinated with the US Fish & Wildlife Service.

**Water Resources:** The Division of Water Resources has the following comment.

The [local floodplain administrator](#) should be contacted concerning the possible need for any floodplain permits or approvals for this project.

ODNR appreciates the opportunity to provide these comments. Please contact Mike Pettegrew at [mike.pettegrew@dnr.ohio.gov](mailto:mike.pettegrew@dnr.ohio.gov) if you have questions about these comments or need additional information.

Mike Pettegrew  
Environmental Services Administrator

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**Enclosure 2**  
**City of Sidney Floodplain Development Permit Correspondence**

**From:** [Barbara Dulworth](#)  
**To:** [Tyler Rankin](#)  
**Subject:** power transmission lines - floodplain permit questions  
**Date:** Wednesday, February 15, 2023 12:40:08 PM  
**Attachments:** [FloodPermit\\_fillable.pdf](#)

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**EXERCISE CAUTION: This is an External Email Message!**

***\*\*Think before clicking on links, opening attachments, or responding\*\****

Tyler,

This e-mail is in response to your inquiry about flood plain permits for new power transmission lines. The City of Sidney Zoning Code states in Section 1103.16(c)(7)(C) states:

(7) An application for a floodplain development permit shall not be required for:  
C. Major utility facilities permitted by the Ohio Power Siting Board under R.C. Chapter 4906;

If the transmission line meets the definition in the above-referenced ORC chapter of a “major utility facility” then no flood plain permit is required. Otherwise a permit will be required.

I have attached the flood plain permit, in case the utility is not defined as a major utility. In that case, the primary items which we will review are the foundation/anchoring of poles to reduce impacts of flooding and that the utility (power lines) are above the base flood elevation.

Please contact me with any questions.

Barbara Dulworth, AICP  
Community Development Director  
City of Sidney  
937-498-8131  
[www.sidneyoh.com](http://www.sidneyoh.com)

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**2/17/2023 3:57:02 PM**

**in**

**Case No(s). 22-0947-EL-BLN**

Summary: Notification of ODNR, Floodplain Agency Correspondence for Creekside  
138kV Transmission Line Project electronically filed by Ms. Sarah Howdeshelt on  
behalf of Dayton Power & Light Company d/b/a AES Ohio